

# EXHIBIT 1

**From:** [Richard D. Kelley](#)  
**To:** [Joel Rothman](#)  
**Cc:** [Heather Kliebenstein](#); [Kandis M. Koustenis](#); [Raighne Delaney](#); [Samuel J. Banks](#); [Lisa Schreihart](#); [Campbell Miller](#); [Stephen D. Caruso](#); [Joseph Dunne](#); [Phil Sever](#); [Orlowski, Alexander](#); [Gallagher, Amanda](#)  
**Subject:** RE: Max v. TEG 779 Matter; Source Code Review and Briefing Schedule  
**Date:** Thursday, December 26, 2024 2:07:35 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

---

Joel –

Thank you for your email response and the production of item #1, the items in the “Desktop/Print” folder.

With regard to your question about item #2, I believe you are confusing the *four* repositories Max did provide to TEG (which do have “haptic” in the names) with our current request for *all the repositories with “haptic” in the name*. Of course, the full list of repositories was provided in one of Max’s earlier briefs, was designated by Max as AEO, and includes, as representative examples, “haptic\_room,” “haptic\_room\_electron,” “haptic\_hello,” “haptic\_home,” etc. As I noted below, and at this point, rather than requesting any further in-person inspection of the repositories themselves, TEG is requesting the full directory listings of all such repositories with “haptic” in the repository name. Please let us know if Max will agree to produce those.

With regard to item #3(a), yes, that includes the same information requested in item #1 and was included in case there was anything more that TEG’s expert requested in the “Desktop/Print” folder other than the four listed repositories.

We appreciate Max agreeing to send TEG the items listed in #3(b) and look forward to receiving them accordingly.

As to the extension, my illness is only one factor. The main factors for the extension relate to our expert and his ability to review the source code information. The in-person inspection of the source code did not occur until mid-December; TEG did not receive the items in the “Desktop/Print” folder until December 24<sup>th</sup>; there are still several more items for TEG’s expert to review and we will have to wait until Max produces that information accordingly; TEG’s expert will then have to determine if any further information is needed; even assuming no further information is needed, TEG’s expert will have to review, analyze and incorporate that information into his report; TEG will need to have that report – or the near-final conclusions of it – to incorporate into its discovery and brief; finally, TEG’s expert is out of town for the holidays and then must try and balance all the new information he will receive with other case obligations. I will also note that, on our last status conference call with the Court, Judge Garcia was amenable to TEG’s potential request for an extension, especially as it related to the foregoing. None of the foregoing issues relate to Max’s original motion, which was filed in May of this year (as opposed to April of last year). TEG believes the foregoing is good cause and respectfully asks Max to reconsider its position regarding TEG’s upcoming request for an extension.

Best regards,

Rich Kelley

---

**From:** Joel Rothman <joel@sriplaw.com>

**Sent:** Tuesday, December 24, 2024 3:33 PM

**To:** Richard D. Kelley <rkelly@beankinney.com>

**Cc:** Heather Kliebenstein <HKliebenstein@merchantgould.com>; Kandis M. Koustenis <kkoustenis@beankinney.com>; Raighne Delaney <rdelaney@beankinney.com>; Samuel J. Banks <SBanks@beankinney.com>; Lisa Schreihart <lisa.schreihart@sriplaw.com>; Campbell Miller <Campbell.Miller@sriplaw.com>; Stephen D. Caruso <SCaruso@beankinney.com>; Joseph Dunne <joseph.dunne@sriplaw.com>; Phil Sever <Phil@landownerattorneys.com>; Orlowski, Alexander <Alexander.Orlowski@btlaw.com>; Gallagher, Amanda <Amanda.Gallagher@btlaw.com>

**Subject:** RE: Max v. TEG 779 Matter; Source Code Review and Briefing Schedule

Richard,

We have your email and the documents in the PRINT folder on the review computer, your number 1 below.

Those documents are attached. There are 4 csv files. They are identical to what was saved except I changed the file names to add AEO to them to avoid confusion.

I am almost certain that we provided you with your #2 below before the inspection. Do you not already have that?

Also, your item number 3a appears to include the items that were in the print folder that is attached. How is what you are asking for different?

My client will prepare the items in 3b.

As far as the extension is concerned, at this point we do not agree nor do we see the good cause for another three weeks. I know you were out sick and I am sorry about that but what is the reason why you need the additional time since by the extended date you will already have had seven weeks since we served our amended motion which was substantially the same as the original motion filed in April of last year?

Please let us know.

Joel



Florida | Los Angeles | New York | Atlanta | Nashville | Indianapolis | Houston | Medellin

**Joel B. Rothman**

Managing Partner

Board Certified in Intellectual Property Law

21301 Powerline Road, Suite 100

Boca Raton, Florida 33433

Direct: (561) 404-4335

Main: (561) 404-4350

[joel.rothman@sriplaw.com](mailto:joel.rothman@sriplaw.com)

[www.sriplaw.com](http://www.sriplaw.com)

Admitted to practice law in the states of Florida, New York, Georgia, and Washington; the U.S. Supreme Court and the following federal circuit courts of appeal: CA11, CAFC, CA5, CA9, CA2, CA10, CA3, CA7, CAVC; and regularly admitted to the following federal districts: FLSD, FLMD, FLND, GAND, GASD, GAMD, NYSD, NYED, NYND, NYWD, MIED, MIWD, MSSD, WIWD, ILND, ILCD, ILSD, TNWD, TNMD, TNED, ARED, ARWD, TXSD, TXND, TXWD, TXED, COD, DCD, WAWD, WAED, OKWD, CFClaims.

---

**From:** Richard D. Kelley <[rkelley@beankinney.com](mailto:rkelley@beankinney.com)>

**Sent:** Tuesday, December 24, 2024 12:09 PM

**To:** Lisa Schreihart <[lisa.schreihart@sriplaw.com](mailto:lisa.schreihart@sriplaw.com)>; Campbell Miller <[Campbell.Miller@sriplaw.com](mailto:Campbell.Miller@sriplaw.com)>; Joel Rothman <[joel@sriplaw.com](mailto:joel@sriplaw.com)>

**Cc:** Heather Kliebenstein <[HKliebenstein@merchantgould.com](mailto:HKliebenstein@merchantgould.com)>; Kandis M. Koustenis <[kkoustenis@beankinney.com](mailto:kkoustenis@beankinney.com)>; Raighne Delaney <[rdelaney@beankinney.com](mailto:rdelaney@beankinney.com)>; Samuel J. Banks <[SBanks@beankinney.com](mailto:SBanks@beankinney.com)>; Stephen D. Caruso <[SCaruso@beankinney.com](mailto:SCaruso@beankinney.com)>; Joseph Dunne <[joseph.dunne@sriplaw.com](mailto:joseph.dunne@sriplaw.com)>; Phil Sever <[Phil@landownerattorneys.com](mailto:Phil@landownerattorneys.com)>; Orlowski, Alexander <[Alexander.Orlowski@btlaw.com](mailto:Alexander.Orlowski@btlaw.com)>; Gallagher, Amanda <[Amanda.Gallagher@btlaw.com](mailto:Amanda.Gallagher@btlaw.com)>

**Subject:** Max v. TEG 779 Matter; Source Code Review and Briefing Schedule

Counsel:

Thank you for your participation in the recent source code review at my office in Arlington, Virginia. At this point, we are trying to avoid any further days of review, and instead request that Max produce the following for review and inspection:

1. The items left by Nick Ferrara for Lisa Schreihart in the "Desktop/print" after the review;
2. A full directory listing of all files in each repository with "haptic" in the repository name;

3. A printout of the git log for each repository with “haptic” in the repository name in spreadsheet form;

- a. Please note, the four repositories on the review computer (“haptic-backend,” “haptic-client,” “haptic-admin,” and “haptic\_demo”), spreadsheets containing this data were already prepared and are saved on the review computer in the “Desktop/print” folder;
- b. For any other repositories, a developer could use the following command on a command-line tool like Git Bash or Cygwin to format the git log output into a spreadsheet:

```
git log --all --reverse --pretty --format="%h,%p,%as,%an,%ae,\"%s\",%d"
```

That will print out the (1) commit hash values (“%h”), (2) parent hash values (“%p”), (3) commit date (“%as”), (4) commit author name (“%an”), (5) commit author email (“%ae”), (6) commit message (“%s”), and (7) and tags or branch information (“%d”).

For each repository, the result of that command should be dumped into its own spreadsheet (*i.e.*, they should not be added all into a single spreadsheet without information as to which repository each commit came from).

We hope that the foregoing will alleviate the need for further repository requests and/or further days of source code review.

Given the foregoing, the timing of matters during the holidays, the two weeks I was out with medical issues, and the upcoming vacation of our expert, we plan on requesting a three-week extension of TEG’s deadline to file its response in opposition brief, moving the deadline **from Friday, January 10, 2025, to Friday, January 31, 2025**. Of course, TEG would agree to similarly move Max’s reply brief deadline. Please let us know this week if Max has any objections to the foregoing.

Best regards,

Rich Kelley

**Richard D. Kelley**



2311 Wilson Blvd., Suite 500  
Arlington, VA 22201  
703.284.7241 direct | 703.525.4000 main | 703.525.2207 fax  
[rkelly@beankinney.com](mailto:rkelly@beankinney.com) | [vcard](#) | [bio](#)  
[beankinney.com](http://beankinney.com)



---

THE INFORMATION CONTAINED IN THIS MESSAGE IS ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE ERASE ALL COPIES OF THE MESSAGE AND ITS ATTACHMENTS AND IMMEDIATELY NOTIFY BEAN, KINNEY & KORMAN, P.C., BY TELEPHONE. IF YOU RECEIVE ANY INQUIRIES TO CHANGE YOUR PAYMENT OR ACCOUNT INFORMATION WITH US, PLEASE CALL US IMMEDIATELY AND CONFIRM DIRECTLY. THANK YOU.